

IN THE CIRCUIT COURT OF THE STATE OF OREGON
FOR THE COUNTY OF MULTNOMAH

NATHANIEL STILLWATER, in his
capacity as Personal Representative of
The Estate of Daniel Brophy

Plaintiff,

vs.

NANCYLEE CRAMPTON BROPHY

Defendant.

Case No.

COMPLAINT

Wrongful Death Action

JURY TRIAL DEMANDED

Not Subject to Mandatory Arbitration

Filing Fee: ORS 21.160(1)(d)

Prayer: \$1,700,000.00

Plaintiff alleges:

1.

Nathaniel Stillwater ("PLAINTIFF") is the duly appointed personal representative for The Estate of Daniel Brophy. The corresponding case number for the probate matter is Multnomah County Probate Case No. 18PB07435

2.

Decedent, Daniel Brophy, was born on June 27, 1954.

3.

Nancylee Crampton Brophy ("DEFENDANT") was born on June 16, 1950 and at all times material herein was married to Decedent.

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4.

On June 2, 2018, DEFENDANT murdered and/or conspired with others to murder Decedent.

5.

Decedent died in Portland, Oregon on June 2, 2018 from multiple gunshot wounds. The cause of death was ruled a homicide.

6.

On September 14, 2018, DEFENDANT was indicted by a Multnomah County grand jury for the following felony crime: Murder with a Firearm – Constituting Domestic Violence. The corresponding case number for the criminal matter is Multnomah County Criminal Case No. 18CR59251.

FIRST CLAIM FOR RELIEF – WRONGFUL DEATH

7.

PLAINTIFF realleges and incorporated paragraphs 1-6 above.

8.

Decedent was married to DEFENDANT at the time of his death and was preceded in death by his parents. He is survived by his wife, the DEFENDANT, and one adult child: Nathaniel Stillwater. By operation of the Oregon Slayer Statute illuminated in ORS 112.465(1), and DEFENDANT'S murder or conspiracy to commit murder of Decedent, DEFENDANT is treated for purposes of this claim as having predeceased Decedent.

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9.

As a result of DEFENDANT'S crime of causing the murder of Decedent, PLAINTIFF is entitled to recover for the following harms and losses pursuant to ORS 30.020(2):

- (a) An amount that would justly, fairly and reasonably have compensated the Decedent for disability, pain and suffering during the period between his injury and his death, in an amount determined to be fair by a jury but not to exceed \$200,000.00.
- (b) An amount that would justly, fairly and reasonably compensates the Decedent's estate for pecuniary loss, in an estimated amount not to exceed \$500,000.00; and
- (c) An amount that would justly, fairly and reasonably compensated Nathaniel Stillwater for his loss of Decedent's society and companionship in an amount determined to be fair by a jury but not to exceed \$1,000,000.00.

PRAYER

WHEREFORE, PLAINTIFF prays for judgment against DEFENDANT for a claim for Wrongful Death as follows:

- (a) A fair amount, not to exceed \$200,000.00 that would justly, fairly and reasonably have compensated Decedent for disability, pain and suffering during the period between his injury and his death;
- (b) An amount not to exceed \$500,000.00 that would justly, fairly and reasonably compensate Decedent for Pecuniary loss;

- 1 (c) A fair amount, not to exceed \$1,000,000.00 that would justly, fairly and
2 reasonably compensate PLAINTIFF for his loss of Decedent's society and
3 companionship; and
4 (d) Costs and disbursements incurred herein.

5
6 Dated this 19th day of February, 2019.

7 By: Christine S. Mascal
8 Christine S. Mascal, OSB #903332
9 cmascal@mascal-law.com
Attorney for Plaintiff